

GOVERNMENT OF ANDHRA PRADESH

ABSTARCT

Public Servants – Commercial Tax Department – Nizamabad Division – Misuse of way bills – Disciplinary action initiated against Sri S.J.Sudheer Nishakar formerly ACTO-III, Nizamabad presently retired from service –Charges framed –Explanation submitted –E.O. appointed –E.O. Report submitted –Disagreement factors Communicated –Explanation submitted – Further action dropped – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O.(Rt).No. 1381

Dated.24.09.2010.

Read the following

- 1.DC(CT), Hyd(Rural) .No.E1/24/02, Dated.27.3.2002.
- 2.Explanation dated.31.7.2002 of Sri S.J.Sudheer Nishakar, formerly Assistant Commercial Tax Officer (Retired).
- 3.DC(CT) Hyd(R) Divn.Lr.Rc.No.E1/24/2002, dt. 22.6.2004.
- 4.E.O./CTO –I, NZB. Rc.No.C1/61/2004, Dated.18.5.2009.
- 5.DC(CT), Nizamabad Lr.No.E1/154/2003, Dated.4.8.2009.
- 6.DC(CT) Lr.Rc.No.Vig/24/2002, Dated.28.5.2010.
- 7.Explanation dated.2.6.2010 of Sri S.J.Sudheer Nishakar, ACTO(Retired).

ORDER:-

Whereas in the reference 1st read above the Deputy Commissioner (CT) Hyderabad (Rural) Division has framed Articles of Charges against Sri S.J.Sudheer Nishakar, formerly Assistant Commercial Tax Officer as he was alleged to be involved in a case of misuse of Way bills and issue of Registration certificate to M/s Sri Sai Shivia Traders, Nizamabad without circulating the file to the Deputy Commissioner(CT) Nizamabad for approval, as Iron scrap falls under the list of sensitive Commodities and he failed to verify certain surety bonds before the issuing etc.

2. And whereas, in the reference 2nd read above Sri S.J.Sudheer Nishakar, formerly Assistant Commercial Tax Officer has submitted his explanation and stated that he has followed all procedural formalities before issue of Registration Certificate and he never recommended for issue of such huge number of way bills to a new dealers and it was purely CTO's decision to issue such huge number of way bills and further requested the Disciplinary Authority to exonerate him from the charges leveled against him and take a sympathetic view over the issue and drop further action.

3. And whereas, in the reference 3rd read above Sri Rajalingam, Commercial Tax Officer-I, Nizamabad has been appointed as Enquiry Officer for conducting detailed enquiry on the charges framed against Sri S.J.Sudheer Nishakar, Assistant Commercial Tax Officer (Retired),

4 And whereas in the reference 4th read above the Enquiry Officer has submitted his report and observed that it is obviously the duty of Commercial Tax Officer, while issuing such huge number of way bills to assess whether such newly registered dealers really deserve the same or not. The Enquiry Officer opined that there was no evidence of any callous attitude shown by the Assistant Commercial Tax Officer in the issue of way bills and he is not responsible for misuse of (585) way bills and evasion of tax and even a single instance his interference was evident in the issue of way bills.

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5 And whereas, in the reference 5th cited, the Deputy Commissioner (CT) Hyderabad Division has communicated the disagreement factors on the Inquiry Officer's Report to the Charged Officer while calling for his explanation.

6 And whereas, in his explanation filed in the reference 6th read above, Sri S.J.Sudheer Nishakar, Assistant Commercial Tax Officer (Retired) has informed that the allegation relates to the year 2001 and a period of nearly 10 years has elapsed and yet the disciplinary proceeding has not been finalized. In the meanwhile he retired from service on 31.8.2009. Government have fixed a time frame to dispose of disciplinary proceedings. He further stated that as per rule 9 of APRP Rules 1980 the function of the Disciplinary Authority is only to reach a findings on the charges and to submit report recording its findings to the Government and also requested to examine the dis- agreement factor with reference to the remarks of Deputy Commissioner (CT) Nizamabad dated.9.4.2010, the Enquiry Officer's Report and his representation and finally requested to drop further action against him.

7) Government, after careful examination of the Enquiry Officer's Report and explanation submitted by the Charged officer have decided to drop further action against Sri S.J.Sudheer Nishakar, Assistant Commercial Tax Officer, Nizamabad. Accordingly further action against Sri S.J.Sudheer Nishakar, Assistant Commercial Tax Officer (Retired) is hereby dropped.

8) The Commissioner of Commercial Taxes, A.P.Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri S.J.Sudheer Nishakar,
Assistant Commercial Tax Officer (Retired),
through Commissioner of Commercial Taxes, A.P.Hyderabad.

2) The Commissioner of Commercial Taxes,
A.P.Hyderabad.

Copy to

1) The Director of Treasuries & Accounts, Hyderabad.

2) The District Treasury Officer, Nizamabad, District.

3) Sri S.J.Sudheer Nishakar
Assistant Commercial Tax Officer (Retried),

File/ SF.

// FORWARDED BY ORDER//

SECTION OFFCIER

